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8                   **UNITED STATES DISTRICT COURT**  
9                   **DISTRICT OF NEVADA**

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11 UNITED STATES OF AMERICA,                         ) 2:17-cr-00086-HDM-NJK  
12    ) )  
13    ) Plaintiff,    )  
14    ) ) ORDER  
15    ) vs.    )  
16    ) )  
17    ) ANTHONY DELANO HYLTON, JR.,                        )  
18    ) )  
19    ) Defendant.    )  
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17    Defendant filed a motion to dismiss arguing that counts two  
18 and five of the superseding indictment should be dismissed because  
19 federal armed bank robbery no longer qualifies as a "crime of  
20 violence" under 18 U.S.C. § 924(c), and also that the § 924(c)  
21 residual clause is void for vagueness under *Sessions v. Dimaya*, 138  
22 S. Ct. 1204 (2018) (ECF No. 89). The government responded arguing  
23 that defendant's motion should be denied because federal armed bank  
24 robbery does qualify as a crime of violence (ECF No. 90).

25    On February 1, 2018, the Ninth Circuit Court of Appeals issued  
26 its decision in *United States v. Watson*, 881 F.3d 782 (9th Cir.  
27 2018) wherein the court held that federal armed bank robbery is a  
28 crime of violence under § 924(c). Defendant acknowledges that the

1 Ninth Circuit rejected his argument in *Watson*, but notes that he  
2 makes the arguments to preserve them for *en banc* or Supreme Court  
3 review. (ECF No. 89 at n. 2).

4 Given the binding nature of the Ninth Circuit's ruling,  
5 defendant's motion (ECF No. 89) is **DENIED**. Because the court finds  
6 that federal armed bank robbery is a crime of violence under §  
7 924(c), the court need not address defendant's argument related to  
8 the potential effect of *Dimaya* on the residual clause of § 924(c).

9 IT IS SO ORDERED.

10 DATED: This 23rd day of May, 2018.

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13 UNITED STATES DISTRICT JUDGE  
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